



PATENT APPLICATION
Docket No: 13447.41

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
)
Daniel F. Justin et al.)
)
Serial No.: 10/750,615) Art Unit
) 3731
Filed: December 30, 2003)
)
Confirmation No.: 8943)
)
For: TIBIAL CONDYLAR HEMIPLASTY)
TISSUE PREPARATIONS INSTRUMENTS)
AND METHODS)

CERTIFICATE OF DEPOSIT UNDER 37 C.F.R. § 1.8

I hereby certify that the following documents are being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on the 7th day of February 2005.

- Transmittal for Information Disclosure Statement (3 pages)
- Information Disclosure Statement (2 pages)
- Form PTO-1449 listing 41 references (3 pages)
- A copy of 5 Non-US references list on the Form PTO-1449
- Postcard

Respectfully submitted,

DANA L. TANGREN
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Registration No. 37,246
Customer No. 022913
Telephone No. 801.533.9800

DLT:dfw

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AND METHODS)

TRANSMITTAL FOR INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing and pursuant to 37 C.F.R. § 1.97 is an Information Disclosure Statement, which includes the following statements, if any, required variously by 37 C.F.R. § 1.98:

- Statement of relevance of selected cited references not in the English language which are not translated.
- Statement that selected cited references are substantially cumulative of an enclosed or previously submitted reference.
- Statement that selected cited references were previously cited by or submitted to the United States Patent and Trademark Office in a prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

A. Additional Materials Required Due to Content of Information Disclosure Statement

Transmitted are the following documents in addition to the Information Disclosure Statement as required variously under 37 C.F.R. § 1.98:

- ☒ Form PTO-1449 listing 41 references submitted for consideration.
- ☒ A copy of 5 Non-US references listed on the Form PTO-1449.
- ☐ English translations of ____ (____) of the references listed on the Form PTO-1449 which are not in the English language.
- ☐ Copies of the following documents from the prosecution of a previous, related application:
 - ☐ Form PTO-1449 AND INFORMATION DISCLOSURE STATEMENT; and
 - ☐ Form PTO-892

B. Additional Materials Required Due to Timing of Filing of Information Disclosure Statement

The transmitted Information Disclosure Statement is being filed within one (1) of the following four (4) time periods:

- I. ☒ Prior to the later of either three (3) months following the filing date or the mailing of a first Office Action. Accordingly, no materials other than those listed above are enclosed.
- II. ☐ Following the latter of either three (3) months following the filing date or the mailing of a first Office Action, but before the mailing of a final Office Action or a Notice of Allowance. Accordingly, to secure consideration thereof, one (1) of the following is also enclosed:
 - ☐ Promptness Certification; or
 - ☐ Check No. _____ in the amount of \$____ constituting the submission fee set forth in 37 C.F.R. § 1.17(p).
- III. ☐ After the mailing of a Notice of Allowance, but before payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:
 - ☐ Promptness Certificate;
 - ☐ Petition for Consideration; and

- ____ Check No. in the amount of \$ _____ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).
- IV. ____ After payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:
- ____ Petition to Withdraw from Issue; and
- ____ Check No. _____ in the amount of \$ _____ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

C. Fees

The Commissioner is hereby authorized to charge payment of or any deficiency in the following fees associated with this communication, or to credit any overpayment thereof, to Deposit Account No. 23-3178. A duplicate copy of this letter is enclosed.

- X Any fee required in relation to filing of this letter or any documents transmitted therewith.
- ____ The submission fee set forth in 37 C.F.R. § 1.17(p) in the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that any Promptness Certificate submitted meets the requirements of 37 C.F.R. § 1.97(e).
- ____ The submission fee set forth in 37 C.F.R. § 1.17(p).
- ____ The petition fee set forth in 37 C.F.R. § 1.17(i)(1).

Dated this 7th day of February 2005.

Respectfully submitted,



DANA L. TANGREN
Attorney for Applicant
Registration No. 37,246
Customer No. 022913
Telephone No. 801.533.9800



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INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

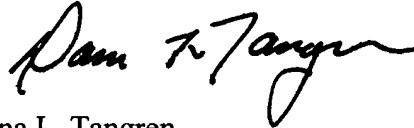
Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed listed references are disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the listed references or relevant portion thereof that is not a US Patent document is also enclosed.

Dated this 7th day of February 2005.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dana L. Tangren", with a stylized, flowing script.

Dana L. Tangren
Attorney for Applicant
Registration No. 37,246
Customer No. 022913
Telephone No. 801.533.9800

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Form PTO-1449

Applicant: Daniel F. Justin et al.

Serial No.: 10/750,615

Filing Date: December 30, 2003

For: TIBIAL CONDYLAR HEMIPLASTY TISSUE PREPARATIONS INSTRUMENTS AND METHODS



Sheet 1 of 3

Confirmation No.: 8943

Att'y Docket No.: 13447.41

Group: 3731

INFORMATION DISCLOSURE CITATIONS MADE BY APPLICANTU.S. Patent Documents

<u>Examiner Initial*</u>	<u>Document Number</u>	<u>Issue Date</u>	<u>Name</u>
___ 1	4,479,271	10/30/1984	Bolesky et al.
___ 2	4,502,161	03/05/1985	Wall
___ 3	4,627,853	12/09/1986	Campbell et al.
___ 4	4,673,407	06/16/1987	Martin
___ 5	5,035,699	07/30/1991	Coates
___ 6	5,037,439	08/06/1991	Albrektsson et al.
___ 7	5,092,895	03/03/1992	Albrektsson et al.
___ 8	5,100,409	03/31/1992	Coates et al.
___ 9	5,176,684	01/05/1993	Ferrante et al.
___ 10	5,489,311	02/06/1996	Cipolletti
___ 11	5,569,259	10/29/1996	Ferrante et al.
___ 12	5,593,411	01/14/1997	Stalcup et al.
___ 13	5,743,915	04/28/1998	Bertin et al.
___ 14	5,766,255	06/16/1998	Slamin et al.
___ 15	5,776,201	07/07/1998	Colleran et al.
___ 16	5,860,981	01/19/1999	Bertin et al.
___ 17	5,879,391	03/09/1999	Slamin
___ 18	6,068,648	05/30/2000	Cole et al.
___ 19	6,071,311	06/06/2000	O'Neil et al.
___ 20	6,168,629 B1	01/02/2001	Timoteo
___ 21	6,171,342 B1	01/09/2001	O'Neil et al.

Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant: Daniel F. Justin et al.

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Filing Date: December 30, 2003

Group: 3731

For: TIBIAL CONDYLAR HEMIPLASTY TISSUE PREPARATIONS INSTRUMENTS AND METHODS

_____ 22	6,520,964 B2	02/18/2003	Tallarida et al.
_____ 23	6,544,267 B1	04/08/2003	Cole et al.
_____ 24	6,554,838 B2	04/29/2003	McGovern et al.
_____ 25	6,610,067 B2	08/26/2003	Tallarida et al.
_____ 26	6,679,917 B2	01/20/2004	Ek
_____ 27	2002/0055783 A1	05/09/2002	Tallarida et al.
_____ 28	2002/0138150 A1	09/26/2002	Leclercq
_____ 29	2002/0147498 A1	10/10/2002	Tallarida et al.
_____ 30	2003/0060887 A1	03/27/2003	Ek
_____ 31	2003/0120276 A1	06/26/2003	Tallarida et al.
_____ 32	2003/0158606 A1	08/21/2003	Coon et al.
_____ 33	2003/0225456 A1	12/04/2003	Ek
_____ 34	2003/0225457 A1	12/04/2003	Justin et al.
_____ 35	2004/0148030 A1	07/29/2004	Ek
_____ 36	2004/0015170 A1	01/22/2004	Tallarida et al.

Foreign Patent Documents

<u>Examiner Initial*</u>	<u>Document Number</u>	<u>Publication Date</u>	<u>Country or Patent Office</u>	<u>Transiation</u>
_____ 37	WO 89/09578 A1	10/19/1989	PCT	N/A
_____ 38	WO 01/66021 A1	09/13/2001	PCT	N/A
_____ 39	WO 01/66022 A1	09/13/2001	PCT	N/A
_____ 40	WO 03/051210 A2	06/26/2003	PCT	N/A
_____ 41	WO 03/051211 A1	06/26/2003	PCT	N/A

Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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For: TIBIAL CONDYLAR HEMIPLASTY TISSUE PREPARATIONS INSTRUMENTS AND
METHODSOther Documents

(including author, title, pertinent pages, etc.)

Examiner

Initial***References Cited by Applicants**

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initialed by the Examiner will be printed on the issued patent in the same manner as references cited by the Examiner on Form PTO-892.

The reference designations "A1," "A2," etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A," "B," "C," etc. on Office Action Form PTO-1142.

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Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.